

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STANLEY WILLIAMS,

Plaintiff,

Case No. 1:22-cv-825

v.

Hon. Ray Kent

UNKNOWN COOLEY, *et al.*,

Defendants.

ORDER DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS* ON APPEAL

The Court entered a judgment against *pro se* plaintiff on September 16, 2024 (ECF No. 26). Plaintiff filed a notice of appeal (ECF No. 30). This matter is now before the Court on plaintiff's corrected motion for leave to proceed *in forma pauperis* on appeal (ECF No. 31).

The current filing and docket fees for appealing a civil action are \$605.00. The record reflects that plaintiff failed to apply in the manner required by law to proceed *in forma pauperis*. Under the provisions of the Prison Litigation Reform Act, if a prisoner wishes to proceed *in forma pauperis* on appeal, the prisoner must file in the district court: a motion for leave to proceed *in forma pauperis*; a certified copy of a prisoner trust account statement; and an affidavit of indigence (“either Form 4 from the Appendix of Forms found in the Federal Rules of Appellate Procedure, or an affidavit which contains the identical information requested in Form 4”), which shall also “state the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1) and (2); *McGore v. Wrigglesworth*, 114 F.3d 601, 609

(6th Cir. 1997). *See* Fed. R. App. P. 24(a)(1) (in seeking *in forma pauperis* status on appeal, a party must file a motion for leave to proceed *in forma pauperis*; and, an affidavit showing his inability to pay the required fees (in the detail prescribed by Form 4 of the Appendix of Forms), his belief that he is entitled to redress, and a statement of the issues he intends to present on appeal).

On October 9, 2024, the Court entered a deficiency order which required that within 28 days, plaintiff must submit the \$605.00 filing fee or, alternatively, file the required affidavit and copy of his prisoner trust account statement. The Court also advised plaintiff that if he fails to pay the filing fee or to file the required documents, his motion to proceed *in forma pauperis* will be denied and the Court of Appeals may dismiss his appeal. *See* Deficiency Order (ECF No. 32). In response to the deficiency order, plaintiff filed a copy of his prison trust account statement. However, plaintiff did not file the required affidavit. *See* Prisoner Financial Documents (ECF No. 34). Plaintiff failed to cure the deficiency. Accordingly, plaintiff's corrected motion to proceed *in forma pauperis* on appeal (ECF No. 31) is **DENIED**.

IT IS SO ORDERED.

Dated: November 20, 2024

/s/ Ray Kent
RAY KENT
United States Magistrate Judge